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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,591

10/22/2003

Sundari Pokta

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EXAMINER

CUMARASEGARAN, VERN

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/689,591

**Applicant(s)**

POKTA, SUNDARI

**Examiner**

VERN CUMARASEGARAN

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative. Extensive mechanical and design details of a method should not be given. Appropriate correction should be made by summarizing the invention in a concise paragraph rather than merely repeating the claim language.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 uses the term "product/services." It is unclear whether this term means product and services or product or services.

Claim 20 recites "...setting a maximum number of providers per payment distribution...to neglect those providers in excess of the number." It is unclear from the phrase how some of the providers can be neglected based on the maximum number of providers per payment distribution.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giudilli (2006/0242038) in view of Bergs et al (2005/0175181 A1).

**As to claim 1**, Giudilli shows setting up a system server and running a system program on the server (Fig.1);

installing and running a client program on said user's network access device (paragraph 49);

recording data of usage of said products/services by said user, the data comprising time spent on providers' sites (paragraph 111 "...apply tariffs as a function of time...");

distributing calculated payments to said providers (paragraph 82).

Although Giudilli shows calculating payment distribution to those providers provided products/services to said user over the billing period (paragraph 100-104), Giudilli does not expressly show calculating payment distribution by dividing the user's fee into shares among them generally according to the usage element associated with each provider in relation to the total usage element associated with all providers. However, Bergs et al show dividing the user's fee into shares among them generally

according to the usage element associated with each provider in relation to the total usage element associated with all providers (paragraph 164). It would have been obvious to one of ordinary skill in the art to incorporate the method of Bergs et al into Giudilli's method since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claims 2 - 7**, Giudilli shows recording data on network access device if user bypasses the system server (paragraph 121) and recording data on system server if user uses said products/services via the system server (Fig.5 where a system server is considered to be a network access device) and payment distribution being calculated by system server and network access device (Fig.4b).

**As to claims 8**, Bergs et al inherently show the distributed payments summing up to the user's fee (paragraph 164).

**As to claims 9 and 10**, the recited formula results in allocating payments based on usage element of use by users for providers. Bergs et al show operators serving more users receiving higher portion of the fee (paragraph 164).

**As to claims 11 and 12**, Bergs et al show integrating the calculated payments in relation to all the users (paragraph 164) and being distributed by system server (Fig.1b).

**As to claim 13**, Giudilli shows data consolidated by network access device during a predetermined interval (paragraph 36).

**As to claim 14**, Bergs et al show transmitting the payment distributions from the network access devices to system server for integration (Fig.1b).

**As to claim 15-18**, examiner takes official notice that it is old and well known in the art to transfer data over a predetermined interval. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the method of data transfer over a predetermined interval since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claims 19-21**, examiner takes official notice that it is old and well known in the art to set a range where shares not falling within the range would initiate a separate action than the shares falling within the range. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the method of setting a range since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**As to claim 22**, Giudilli shows setting up individual accounts (paragraph 8).

**As to claim 23**, Giudilli shows the distribution method set up and operated by operators (paragraph 139).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Crosskey; James P. et al. US 6035281 System and method of multiparty billing for Web access

JUSTICE, JAMES R. US 20010049630 A1 MICROTRAC INTERNET BILLING SOLUTIONS

OLIVER, DAVID M. et al. US 20020133412 A1 System for management of transactions on networks

Usui; Tatsuo 19990921 US 5956697 A Timer-based fee-charging system for internet

Ronen; Yzhak US 5845267 System and method for billing for transactions conducted over the internet from within an intranet

Walker; Jay et al US 5737414 900 number billing and collection system and method for on-line computer services

Davis; Virgil M. et al US 6282522 B1 Internet payment system using smart card

Tsutsui; Yuichiro US 20070265972 A1 Information distribution server system, information distribution method, and recording medium

Meyer; Jeffrey D. et al. US 7024468 B1 Internet usage data recording system and method with configurable data collector system

Ferguson; Charles H. et al. US 5819092 Online service development tool with fee setting capabilities

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERN CUMARASEGARAN whose telephone number is (571)270-3273. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vc

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629



